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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/588,778 06/05/00 YOUNG

S 97-401

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PM82/1105

EXAMINER

SHRIVER 11,0

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 11/05/01

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 14

Application Number: 09/588,778
Filing Date: June 05, 2000
Appellant(s): YOUNG, SCOT

MAILED

NOV 05 2001

GROUP 3600

Mr. W. Bruce Day
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed October 15, 2001.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Not applicable.

(8) *Claims Appealed*

A substantially correct copy of appealed claim 1 appears on page 7 of the Appendix to the appellant's brief. The minor errors are as follows: In line 3 of Claim 1, the phrase "the trolley having wheels thereon for moving over a floor surface" was replaced with the phrase "the

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trolley supported by wheels thereon for moving over a floor surface” in Amendment B (Paper No. 8) submitted on June 7, 2001.

(9) Prior Art of Record

5,913,528	KRESSE et al.	6-1999
4,319,761	WELLS	3-1982

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1 is rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 9.

(11) Response to Argument

Applicant's arguments filed October 15, 2001 have been fully considered but they are not persuasive.

On page 3, Applicant argues that Examiner's contention that it would have been obvious to substitute a mop bucket from WELLS for the trailer in KRESSE was improper. Specifically, Applicant contends that the motivation relied upon by the Examiner to combine WELLS with KRESSE was improper. Applicant argues that WELLS is silent about any combination of any device other than a bucket with another bucket. Therefore, WELLS does not teach or disclose connecting dissimilar objects, such as a trolley and bucket. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

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the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the primary reference, KRESSE, itself teaches connecting two dissimilar objects, a trolley with a trailer, that inherently is used for sitting a bucket thereon, together. WELLS is solely relied upon to teach that it is old and well known in this art to connect mop buckets with other objects, including other mop buckets, in order to facilitate the transportation of the combined devices, which greatly reduces the amount of labor involved. As set forth in column 1, lines 20-25 in KRESSE, because cleaning trolleys are intended to be as small as possible for stowing when not in use while offering a large useful surface in use, it is known that trailers can be coupled to them, so that the trolley and trailer can be uncoupled after use and stowed compactly. Therefore, a person of ordinary skill in this art would have had the requisite skill at the time of applicant's invention to use these teachings to connect a mop bucket to the trolley disclosed in KRESSE in substitution for the trailer, which inherently could be used to carry a mop bucket itself.

On page 5, Applicant further contends that Examiner's applied combination is not supportable because of hindsight reconstruction. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As stated previously, KRESSE disclosed connecting a trailer onto the cleaning trolley in order to facilitate the movement of both

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when in use and separating them for storage, and WELLS also disclosed connecting two mop buckets together in order to facilitate the movement of both when in use and separating them for storage. Therefore, this knowledge would have certainly be within the level of ordinary skill at the time the claimed invention was made.

For the above reasons, it is believed that the rejections should be sustained.

(12) Appeal's Conference


On October 30, 2001, an appeals conference was held between J.J. Swann, SPE 3611, Frank Vananam, Primary Examiner 3611, and J. Allen Shriver to discuss the validity of the rejection of Applicant's Claim 1. It was agreed by all to maintain the rejection.

Respectfully submitted,

J. Allen Shriver
Examiner
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JAS
October 30, 2001

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